

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NOV 30 2005

JAMES BENS,

Petitioner,

BROOKLYN OFFICE

JUDGMENT
05-CV- 2250 (JG)

-against-

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent.

A Memorandum and Order of Honorable John Gleeson, United States District Judge, having been filed on November 18, 2005, denying the petition for a writ of habeas corpus; and ordering that a Certificate of Appealability will not issue; it is

ORDERED and ADJUDGED that petitioner take nothing of the respondent; that the petition for a writ of habeas corpus is denied; and that a Certificate of Appealability will not issue.

Dated: Brooklyn, New York
November 22, 2005

s/Robert C. Heinemann
ROBERT C. HEINEMANN
Clerk of Court